

1 IN THE UNITED STATES DISTRICT COURT
2
3 DISTRICT OF UTAH
4
5 CENTRAL DIVISION
6
7 UNITED STATES OF AMERICA,)
8 Plaintiff,)
9 vs.) Case No. 2:10-CR-1109 TS
10 VIRGIL HALL,)
11 Defendant.)
12 _____)
13
14 BEFORE MAGISTRATE JUDGE ROBERT T. BRAITHWAITE
15 -----
16 December 20, 2010
17 Initial Appearance
18 Transcript Prepared From An Electronically Recorded Hearing
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23 REPORTED BY: Patti Walker, CSR, RPR, CP
24 350 South Main Street, #146, Salt Lake City, Utah 84101
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Appx.
One

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For Plaintiff;

Paul Kohler, AUSA
20 North Main Street, #208
St. George, Utah 84770

For Defendant:

Ryan Stout
DOUGLAS D. TERRY & ASSOCIATES
132 West Tabernacle, Bldg B
St. George, Utah 84770

1 ST. GEORGE, UTAH; MONDAY, DECEMBER 20, 2010; 1:00 P.M.

2 PROCEEDINGS

3 THE COURT: USA vs. Virgil Hall.

4 It looks like I signed a warrant on the 7th. Has
5 he been arrested?

6 MR. KOHLER: He's actually back there now.

7 THE MARSHAL: What was the name, Your Honor?

8 THE COURT: Virgil Hall.

9 MR. STOUT: Your Honor, I have not spoken with him
10 yet.

11 THE COURT: Are you Virgil Hall?

12 MR. HALL: Yes, sir.

13 THE COURT: You can go ahead and sit down.

14 I need to advise you that you are charged with
15 possessing cocaine with intent to distribute. You are
16 entitled to have an attorney, and if you can't afford one, I
17 will appoint one at no cost.

18 Has he filled out an affidavit? If not, I will
19 just ask some questions.

20 MR. STOUT: He has actually.

21 THE COURT: Go ahead and bring it up. Same with
22 Mr. (Inaudible). That will work.

23 So I will make an appointment of an attorney.

24 Mr. Stout is here, and he will represent you. I need to
25 advise you that you have the right not to make any

1 statements against your own self-interest. Anything you say
2 can be used against you, but anything you say to your
3 attorney is confidential between the two of you.

4 Is the government seeking detention?

5 MR. KOHLER: Yes, sir.

6 THE COURT: Go ahead.

7 MR. STOUT: We would like to have a detention
8 hearing regarding that matter. I am not sure when the next
9 court date would be available for that.

10 THE COURT: I don't have one scheduled until
11 January 10th, but that's too long.

12 Shall we go the 22nd or 23rd or --

13 MR. KOHLER: We are available whenever, Your
14 Honor. I hate to drag you down for that, but --

15 THE COURT: Let's do it, then, the 23rd at one
16 o'clock.

17 THE CLERK: Your Honor, the Court is closing at
18 noon that day.

19 THE COURT: What about the 22nd?

20 MR. STOUT: Wednesday at noon -- or, excuse me, at
21 one?

22 THE COURT: At one.

23 MR. STOUT: That will be sufficient for us, Your
24 Honor.

25 THE COURT: Will that work for you?

1 MR. KOHLER: Yes, sir.

2 THE COURT: So we will have a detention hearing in
3 two days. You will remain incarcerated until then. And we
4 will provide you with a copy of the indictment before then.
5 That's it.

6 Next case will be Larry Woods.

7 I'm sorry. Did you have something else?

8 MR. STOUT: I did. I just wanted to make sure
9 that he is being housed here in Washington County, or is
10 going back up to Ogden?

11 THE COURT: Right. Okay.

12 MR. STOUT: I just need to know where I can get
13 ahold of him.

14 THE COURT: Does he want to be held in federal
15 custody?

16 MR. STOUT: Yes. We would ask that he be
17 transferred to federal custody at this time.

18 MR. KOHLER: Your Honor, my understanding is the
19 state charges have been dropped to both he and the
20 co-defendant.

21 MR. STOUT: Thank you.

22 THE COURT: All right.

23 (Whereupon, the proceeding was concluded.)

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1 C E R T I F I C A T E
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4 I hereby certify that the foregoing matter is
5 transcribed from the stenographic notes taken by me and is a
6 true and accurate transcription of the same.

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16 PATTI WALKER, CSR-RPR-CP DATED: 2-11-13
Official Court Reporter
17 350 South Main Street, #146
Salt Lake City, Utah 84101
18 801-364-5440

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1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF UTAH

3 CENTRAL DIVISION

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5 UNITED STATES OF AMERICA,)

6 Plaintiff,)

7 vs.) Case No. 2:10-CR-1109 TS

8 VIRGIL HALL,)

9 Defendant.)

10 _____)

11

12 BEFORE MAGISTRATE JUDGE ROBERT T. BRAITHWAITE

13 -----

14 December 21, 2010

15 Detention Hearing

16 Transcript Prepared From An Electronically Recorded Hearing

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23 REPORTED BY: Patti Walker, CSR, RPR, CP

24 350 South Main Street, #146, Salt Lake City, Utah 84101

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Appx.
Two

1 A P P E A R A N C E S
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3

4 For Plaintiff;

Paul Kohler, AUSA
20 North Main Street, #208
St. George, Utah 84770

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6 For Defendant:

Ryan Stout
DOUGLAS D. TERRY & ASSOCIATES
132 West Tabernacle, Bldg B
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1 ST. GEORGE, UTAH; TUESDAY, DECEMBER 21, 2010; 10:30 A.M.

2 PROCEEDINGS

3 THE COURT: Court calls USA vs. Virgil Hall. This
4 is set for a detention hearing. And I've received and just
5 barely read Pretrial Services' report.

6 Have both sides had a chance to see that?

7 MR. KOHLER: Yes, sir.

8 MR. STOUT: We have, Your Honor.

9 THE COURT: Go ahead. Recommendations, reaction,
10 witnesses, whatever you want to put on.

11 MR. KOHLER: Your Honor, I would just like to tick
12 off a few of the basics under the 3142 factors, under 18
13 U.S.C. First of all, there is a presumption of detention
14 that comes with the possibility of ten or more years of
15 prison. In this case the defendant faces, we think, a
16 minimum of ten years, combined with the drugs and his
17 criminal history. So there is an obvious presumption.

18 The nature and the circumstances of the offense
19 under (g)(1) include a controlled substance offense. This
20 case involved both cocaine and cash. The defendant was a
21 driver of the vehicle where these substances were found.
22 The weight of the evidence is strong in that regard.

23 The defendant is about 40 years old and for the
24 last 20 plus years just has a long record of being involved
25 in drugs and crime.

1 Based on all those factors, Your Honor, the
2 government would submit that detention is appropriate.

3 THE COURT: How much money was there?

4 MR. KOHLER: There was in the neighborhood of
5 \$11,000 I think.

6 THE COURT: What's the street value, ballpark, for
7 one pound or whatever?

8 MR. KOHLER: I wish I could say.

9 THE COURT: Any DEA guys here?

10 MR. KOHLER: We don't have any guys here.

11 THE COURT: All right.

12 MR. STOUT: Thank you, Your Honor.

13 As Mr. Kohler points out -- I will also agree that
14 despite the Pretrial Services' report that indicates there
15 is not a presumption, he is facing a five-year minimum
16 mandatory, but likely ten years because of prior history.
17 So I don't disagree with the government that there is a
18 rebuttal presumption for detention.

19 Having said that, as Mr. Kohler pointed out,
20 Mr. Hall is 40 years old, has lived in Michigan for -- since
21 1994, with a brief stay of about ten months, a little bit
22 less than a year, in North Carolina, he and his wife. His
23 wife works for an auto supplier plant for GM. It's an auto
24 supplier plant. Makes good money there. She followed a job
25 to North Carolina where they were opening a new plant. When

1 everything turned south a few years ago, they decided not to
2 complete that plant, so they went back to Michigan where he
3 and his wife continue to reside. Has been married for five
4 years. Between the two of them, they have five kids from
5 prior relationships. There's no minor children in the home,
6 though, I would point out.

7 Mr. Hall is a student at Lansing Community
8 College, is looking forward to starting back up in January,
9 has been involved this semester, but obviously with him
10 being incarcerated for the last few weeks makes that
11 difficult.

12 The fact that the Court needs to look at is
13 whether there's a combination of factors that would allow
14 him to be released, to keep him safe, keep the community
15 safe, and to assure his appearance at court. With his
16 wife's income, I believe that he has the financial ability
17 to be able to make the trip back to southern Utah when
18 necessary.

19 In addition to that, his father-in-law is the
20 pastor of the church that he belongs to and is also
21 supportive, emotionally as well as financially.

22 So I think that concern that whether he can
23 actually afford to make the trip back, I think there is some
24 assurance there that he would be able to make the trip.

25 He indicates his priors. I was a little confused

1 to be honest, and obviously, with this being such a quick
2 setting, didn't have enough time to sort out his criminal
3 history. He indicates he does have a prior 1997 conviction
4 for possession. The record that was provided to us this
5 morning indicates that in a period of a few months that
6 perhaps there were four or five charges, which accounts for
7 most of his felony charges. I haven't been able to sort
8 those out, whether they are different or not. It looks like
9 they might be different, but that is different than his
10 record to me. If so, it was all back in 1997, all within a
11 short matter of time.

12 He doesn't have any -- I will point out he doesn't
13 have any crimes of violence on his record, no indication
14 that he is a threat that way to the community.

15 One last thing I do want to point out. His wife,
16 who has been working in this auto plant -- or supplier
17 plant, is scheduled to undergo surgery -- shoulder and hand.
18 I believe it's work related. I don't know if the Court is
19 very familiar with shoulder surgery, but the doctors have
20 indicated to her that she is not supposed to use that arm
21 basically, other than just having it there, for six to eight
22 weeks.

23 So we are going to ask the Court to consider
24 releasing Mr. Hall. Two things, one, to Pretrial Services,
25 that he be allowed and afforded that privilege and

1 opportunity to prove that he can do whatever conditions the
2 Court would have him do. But obviously reporting and drug
3 testing, seeking full-time employment. All those
4 conditions. He has no objection to that.

5 I would also point out that under the statute
6 there is an indication, it's Section 3142(c)(xiii) -- little
7 xiii, x-i-i-i -- that indicates that defendant can return to
8 custody for specified hours following release for
9 employment, schooling or other religious purposes.

10 If the Court is inclined to keep him in custody,
11 we are asking that he be allowed, at a minimum, to be
12 released for those six to eight weeks after his wife's
13 surgery to help take care of her while she is not able to
14 use that arm. If the Court is inclined to just release him
15 with Pretrial Services and keep him out, that is obviously
16 our preference. I believe the Court would be allowed to
17 even just release him for that six to eight weeks so that he
18 can help take care of his wife.

19 Other than that, I think we will submit it. I
20 know the Court knows our position and our recommendation and
21 ask the Court to follow the recommendation of the Pretrial
22 Services.

23 THE COURT: Anything else?

24 MR. STOUT: No, sir.

25 THE COURT: As I look at this, I believe I need to

1 have him remain incarcerated. The number one reason for me
2 is criminal record. And, granted, some of these say
3 disposition unknown. But, still, there are ten felonies
4 spread out over 22 years. October of '88, felony. December
5 of '88 -- that's a misprint. August '91, felony. July '93,
6 misdemeanor. January '95, felony. March '97, felony.
7 April '97, felony. August '97, felony. October '97,
8 felony. He gets seven years prison, but somehow he ends up
9 with another felony two years later.

10 MR. STOUT: Your Honor, if I may correct that. I
11 believe that he may have been sentenced to seven years, but
12 he did not do seven years.

13 THE COURT: State judge, zero to five, be out in
14 three months?

15 MR. STOUT: Yeah.

16 THE COURT: Anyway, the list just goes on through
17 2010.

18 Also the presumption is there for incarceration.
19 The nature of the offense, the strength of the evidence, and
20 the out-of-state situation with lack of local ties.

21 For all of those reasons, I am going to order that
22 he remain detained pending further proceedings in this case.

23 Would you like to have a plea entered today so
24 things keep moving or would you rather have time and
25 schedule arraignment at a later time?

1 MR. STOUT: Your Honor, I think we will enter a
2 not guilty plea at this time to the indictment, to the
3 single charge, and go from there.

4 THE COURT: Not guilty is the plea and we will do
5 a pretrial order today.

6 Anything else to come before the Court?

7 MR. KOHLER: No, Your Honor.

8 MR. STOUT: Your Honor, if further evidence comes
9 forward, will you revisit detention?

10 THE COURT: Sure. And if you find that -- and I
11 am relying on just the convictions, although I mentioned
12 those that don't show a disposition. But if you find
13 something that is different on the criminal record, you can
14 bring that back in front of me.

15 MR. STOUT: Thank you, Your Honor.

16 (Whereupon, the proceeding was concluded.)

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1 C E R T I F I C A T E
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I hereby certify that the foregoing matter is
transcribed from the stenographic notes taken by me and is a
true and accurate transcription of the same.

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16 PATTI WALKER, CSR-RPR-CP DATED: 2-11-13
Official Court Reporter
17 350 South Main Street, #146
Salt Lake City, Utah 84101
18 801-364-5440

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	Log Event	Event Type	Description	Responsible Officer	Start Date
1	23321	ROA	RELEASED TO OTHER AGENCY	Keil, Julie	6/7/2011 4:31 AM
1	84846	OTC	OUT TO COURT	Cannon, Gregory	9/12/2011 8:23 AM
1	120871	OTC	OUT TO COURT	Whitney, Clint	11/8/2011 7:42 AM
1	133420	ROA	RELEASED TO OTHER AGENCY	Shoemaker, Jenn	11/29/2011 10:10 AM
1	W2080071	OTC	OUT TO COURT	Mulitalo, Karl	4/18/2011 8:18 AM

Washington County Sheriff's Office

750 South 5300 West

Hurricane, Utah 84737

WS



Virgil Hall #17730-081
Medical Center for Federal Prisoners
PO Box 4000
Springfield, MO 65801-4000

TO: United States
 Assit. Attorney
 Paul Kohler
 20 North Main ST #208
 St. George, UT 84770

FROM: Virgil Hall #17730-081
 MCFP Springfield
 P.O. Box 4000
 Springfield, MO 65801

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, I THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

I Case No. 2:10-CR-01109-TS United States v. Virgil Hall
 1. Request chain of custody of the drugs found in traffic stop Nov. 3, 2010
 2. The grand jury testimony & all witnesses that testified at Virgil Hall trial on June 8-9, 2011.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

IF FOR ANY REASON, ANY OF THE ABOVE-REQUESTED RECORDS ARE DEEMED TO BE NON-DISCLOSABLE, OR NON-RELEASABLE, PLEASE SPECIFY THE REGULATORY & STATUTORY EXEMPTION RELIED UPON, AND STATE WHETHER THE ENTIRE DOCUMENT OR ONLY A PORTION THEREOF, IS DEEMED NON-DISCLOSABLE, AND FURNISH THE NAME AND TITLE OF THE PERSON MAKING THE DECISION.

REQUESTER IS AN INDIGENT INMATE AT MCFP Springfield AND REQUESTS THAT ANY SEARCH AND/OR DUPLICATION FEES BE WAIVED, OR IN THE ALTERNATIVE, THAT ACCESS BE PROVIDED BY ALLOWING REQUESTER TO VIEW AND TAKE NOTES OF THE RECORDS RATHER THAN BE PROVIDED WITH COPIES.

THE FOI/PA PROVIDES FOR A REPLY TO THIS REQUEST IN TEN (10) WORKING DAYS. REQUESTER HEREBY INVOKES THIS PROVISION FOR A RESPONSE TO THIS REQUEST WITHIN TEN (10) WORKING DAYS.

Respectfully Submitted,

Virgil Hall
 (Requester)

Dated this 14 day of June, 2021

PRIVACY ACT STATEMENT: In accordance with 28 CFR Section 16.41, personal data to identify the individual submitting request by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required.

FULL NAME OF REQUESTER: Virgil Hall #17730-081

CURRENT ADDRESS: MCFP Springfield P.O. Box 4000 Springfield, MO 65801

DATE OF BIRTH: 07/06/1970

PLACE OF BIRTH: St. Louis MO

EMPLOYEE I.D. NUMBER: N/A

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five (5) years or both, and that requesting of obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i) (3), by a fine of not more than \$5,000.

Signature:

Virgil Hall

IVU

Dated this 14 day of June, 2021

Exhibit
One

TO: Iron County Attorney's Office **FROM:** Virgil Hall #17730-081
82 N. 100 E
STE. 201
Cedar City, UT 84720
MCFP Springfield
P.O. Box 4000
Springfield, MO 65801

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, I THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

Virgil Hall, SSN 442-78-1408 was arrested November 3, 2010 in Cedar City, UT and I am requesting the charges filed against me, a chain of custody of the drugs seized during the arrest and any and all papers/material concerning Virgil Hall including a docket sheet.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

IF FOR ANY REASON, ANY OF THE ABOVE-REQUESTED RECORDS ARE DEEMED TO BE NON-DISCLOSABLE, OR NON-RELEASABLE, PLEASE SPECIFY THE REGULATORY & STATUTORY EXEMPTION RELIED UPON, AND STATE WHETHER THE ENTIRE DOCUMENT OR ONLY A PORTION THEREOF, IS DEEMED NON-DISCLOSABLE, AND FURNISH THE NAME AND TITLE OF THE PERSON MAKING THE DECISION.

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Virgil Hall
(Requester)

Dated this 23 day of August, 20 21

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FULL NAME OF REQUESTER: Virgil Hall

CURRENT ADDRESS: MCFP Springfield, P.O. Box 4000, Springfield, MO 65801

DATE OF BIRTH: July 6, 1970

PLACE OF BIRTH: St Louis, MO

EMPLOYEE I.D. NUMBER: N/A

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five (5) years or both, and that requesting of obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i) (3), by a fine of not more than \$5,000.

Dated this 23 day of August, 20 21

Signature:

Virgil Hall

NV

TO: DOJ/EDUSA/FOIA
175 N. ST., NE, 3CON BLDG
RM. 5400
Washington, DC 20530

FROM: Virgil Hall #17730-081
MCFP Springfield
P.O. BOX 4000
Springfield, MO 65801

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

Mr. Hall is requesting from Case No. 2:10-CR-01109-TS the chain of custody of the drugs, grand jury testimony of the witness who testified for the government and the grand jury transcript and exhibits.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

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Respectfully Submitted,

Virgil Hall
(Requester)

Dated this 13th day of July, 2021

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FULL NAME OF REQUESTER: Virgil Hall
CURRENT ADDRESS: MCFP Springfield P.O. Box 4000 Springfield, MO 65801
DATE OF BIRTH: July 6, 1970
PLACE OF BIRTH: St. Louis, MO
EMPLOYEE I.D. NUMBER: N/A

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Dated this 13th day of July, 2021

Signature:

Virgil Hall

IVU

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

August 17, 2021

MR. VIRGIL HALL
 **17730-081
 MEDICAL CENTER FOR FEDERAL PRISONERS
 POST OFFICE BOX 4000
 SPRINGFIELD, MO 65801-4000

Request No.: 1502453-000
 Subject: HALL, VIRGIL

Dear Mr. Hall:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Based on the information you provided, we conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request. Therefore, your request is being closed. If you have additional information pertaining to the subject of your request, please submit a new request providing the details, and we will conduct an additional search.

Please see the paragraphs below for relevant information that may be specific to your request. Only checked boxes contain corresponding paragraphs relevant to your request. If no boxes are checked, the corresponding information does not apply.

- Please be advised that your request was reopened based on the additional information you provided. A new search was conducted, and we were unable to identify responsive records.
- Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10. Please be advised that the General Records Schedule (GRS) disposition authority for FOIPA records is DAA-GRS-2016-0002-0001 (GRS 4.2, Item 020).
- Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA). If you wish to review these records, file a FOIPA request with NARA at the following address:

National Archives and Records Administration
 Special Access and FOIA
 8601 Adelphi Road, Room 5500
 College Park, MD 20740-6001
- Potentially responsive records were identified during the search. However, we were advised that they were not in their expected locations. An additional search for the missing records also met with unsuccessful results. Since we were unable to review the records, we were unable to determine if they were responsive to your request.
- The portion of your request concerning an FBI identification record – commonly referred to as a criminal history record or “rap sheet” – has been forwarded to the Criminal Justice Information Services (CJIS) Division for processing. For additional information, see the enclosed FBI FOIPA Addendum General Information Section.
- Requests for expedited processing are not applicable when a final response is issued within ten calendar days.



U.S. Department of Justice

ANDREA M. MARTINEZ
Acting United States Attorney
District of Utah

REPLY TO:
Valerie Maxwell
FOIA Coordinator
(801) 325-3217

Office of the United States Attorney (801) 524-5682
111 South Main Street, Suite 1800 (800) 949-9451
Salt Lake City, Utah 84111-2176 Fax: (801) 524-3399

June 25, 2021

Sent via US Postal Service

Virgil Hall
Inmate No. 17730-081
MCFP Springfield
P.O. Box 4000
Springfield, MO 65801

Re: Freedom of Information Act Request

Dear Mr. Hall:

This letter is to inform you that your Freedom of Information Act (FOIA) Request that was sent to our office via email and received in our office June 24, 2021, has been forwarded to the FOIA/Privacy Staff in the Executive Office for United States Attorneys, Department of Justice, 175 N, St, NE 5th Floor, 3CON Bldg., Washington, DC 20002. Should you have any questions regarding your FOIA request, please feel free to contact me.

Sincerely,

ANDREA M. MARTINEZ
Acting United States Attorney

Valerie Maxwell

Valerie Maxwell, FOIA Coordinator
U.S. Attorney's Office, District of Utah

TO: Davis County Jail
800 W. State St.
Farmington, UT 84025

FROM: Virgil Hall #17730-081
 [REDACTED] MCFP Springfield
 P.O. Box 4000
 Springfield, MO 65807

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

Requesting the dates and charges while in custody during the year 2011 concerning Virgil Hall and any/all paper work pertaining to Virgil Hall including out count and custody transfer.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

IF FOR ANY REASON, ANY OF THE ABOVE-REQUESTED RECORDS ARE DEEMED TO BE NON-DISCLOSABLE, OR NON-RELEASABLE, PLEASE SPECIFY THE REGULATORY & STATUTORY EXEMPTION RELIED UPON, AND STATE WHETHER THE ENTIRE DOCUMENT OR ONLY A PORTION THEREOF, IS DEEMED NON-DISCLOSABLE, AND FURNISH THE NAME AND TITLE OF THE PERSON MAKING THE DECISION.

REQUESTER IS AN INDIGENT INMATE AT MCFP Springfield AND REQUESTS THAT ANY SEARCH AND/OR DUPLICATION FEES BE WAIVED, OR IN THE ALTERNATIVE, THAT ACCESS BE PROVIDED BY ALLOWING REQUESTER TO VIEW AND TAKE NOTES OF THE RECORDS RATHER THAN BE PROVIDED WITH COPIES.

THE FOI/PA PROVIDES FOR A REPLY TO THIS REQUEST IN TEN (10) WORKING DAYS. REQUESTER HEREBY INVOKES THIS PROVISION FOR A RESPONSE TO THIS REQUEST WITHIN TEN (10) WORKING DAYS.

Respectfully Submitted,

Virgil Hall
(Requester)

Dated this 30th day of August, 2021

PRIVACY ACT STATEMENT: In accordance with 28 CFR Section 16.41, personal data to identify the individual submitting request by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required.

FULL NAME OF REQUESTER: Virgil Hall #17730-081
 CURRENT ADDRESS: MCFP Springfield, P.O. Box 4000 Springfield, MO 65807
 DATE OF BIRTH: July 6, 1970
 PLACE OF BIRTH: St Louis, MO
 EMPLOYEE I.D. NUMBER: N/A

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five (5) years or both, and that requesting of obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i) (3), by a fine of not more than \$5,000.

Dated this 30th day of August, 2021

Signature: Virgil Hall
N/A

FREEDOM OF INFORMATION/PRIVACY ACT REQUEST

TO: Washington County
Purgatory Corr. Facility
750 South 5300 West
Hurricane, UT 84737

FROM: Virgil Hall #17730-081
MCFP Springfield
P.O. Box 4000
Springfield, MD 20580

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

Requesting a copy of the federal detainer, the order for continued detention, case number, docket sheet, rules and policy on warrantless arrest and continued detention and the court that granted such order.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

IF FOR ANY REASON, ANY OF THE ABOVE-REQUESTED RECORDS ARE DEEMED TO BE NON-DISCLOSABLE, OR NON-RELEASEABLE, PLEASE SPECIFY THE REGULATORY & STATUTORY EXEMPTION RELIED UPON, AND STATE WHETHER THE ENTIRE DOCUMENT OR ONLY A PORTION THEREOF, IS DEEMED NON-DISCLOSABLE, AND FURNISH THE NAME AND TITLE OF THE PERSON MAKING THE DECISION.

REQUESTER IS AN INDIGENT INMATE AT MCFP Springfield AND REQUESTS THAT ANY SEARCH AND/OR DUPLICATION FEES BE WAIVED, OR IN THE ALTERNATIVE, THAT ACCESS BE PROVIDED BY ALLOWING REQUESTER TO VIEW AND TAKE NOTES OF THE RECORDS RATHER THAN BE PROVIDED WITH COPIES.

THE FOI/PA PROVIDES FOR A REPLY TO THIS REQUEST IN TEN (10) WORKING DAYS. REQUESTER HEREBY INVOKES THIS PROVISION FOR A RESPONSE TO THIS REQUEST WITHIN TEN (10) WORKING DAYS.

Respectfully Submitted,

Virgil Hall
(Requester)

Dated this 23 day of August, 2021

PRIVACY ACT STATEMENT: In accordance with 28 CFR Section 16.41, personal data to identify the individual submitting request by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required.

FULL NAME OF REQUESTER: Virgil Hall #17730-081
 CURRENT ADDRESS: MCFP Springfield, P.O. Box 4000, Springfield, MD 20580
 DATE OF BIRTH: July 6, 1970
 PLACE OF BIRTH: St Louis, MO
 EMPLOYEE I.D. NUMBER: N/A

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five (5) years or both, and that requesting of obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i) (3), by a fine of not more than \$5,000.

Dated this 23 day of August, 2021

Signature:

Virgil Hall

N/A

TO: Washington County
Purgatory Corr. Facility
750 South 5300 West
Hurricane, UT 84737

FROM: Virgil Hall #17730-081
MCFP Springfield
P.O. Box 4000
Springfield, MO 65801

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, I THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

Mr. Hall is requesting the record that show all out count dates when Mr. Hall left the facility and why.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

IF FOR ANY REASON, ANY OF THE ABOVE-REQUESTED RECORDS ARE DEEMED TO BE NON-DISCLOSABLE, OR NON-RELEASABLE, PLEASE SPECIFY THE REGULATORY & STATUTORY EXEMPTION RELIED UPON, AND STATE WHETHER THE ENTIRE DOCUMENT OR ONLY A PORTION THEREOF, IS DEEMED NON-DISCLOSABLE, AND FURNISH THE NAME AND TITLE OF THE PERSON MAKING THE DECISION.

REQUESTER IS AN INDIGENT INMATE AT MCFP Springfield AND REQUESTS THAT ANY SEARCH AND/OR DUPLICATION FEES BE WAIVED, OR IN THE ALTERNATIVE, THAT ACCESS BE PROVIDED BY ALLOWING REQUESTER TO VIEW AND TAKE NOTES OF THE RECORDS RATHER THAN BE PROVIDED WITH COPIES.

THE FOI/PA PROVIDES FOR A REPLY TO THIS REQUEST IN TEN (10) WORKING DAYS. REQUESTER HEREBY INVOKES THIS PROVISION FOR A RESPONSE TO THIS REQUEST WITHIN TEN (10) WORKING DAYS.

Respectfully Submitted,

Virgil Hall
(Requester)

Dated this 25th day of August, 2021

PRIVACY ACT STATEMENT: In accordance with 28 CFR Section 16.41, personal data to identify the individual submitting request by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required.

FULL NAME OF REQUESTER: Virgil Hall #17730-081
 CURRENT ADDRESS: MCFP Springfield, P.O. Box 4000, Springfield, MO 65801
 DATE OF BIRTH: July 6, 1970
 PLACE OF BIRTH: St. Louis, MO
 EMPLOYEE I.D. NUMBER: N/A

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five (5) years or both, and that requesting of obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i) (3), by a fine of not more than \$5,000.

Dated this 25 day of August, 2021

Signature: Virgil Hall

IVU

TO: Iron County Sheriff
Jail Division
703 W. 600 S.
Cedar City, UT 84720

FROM: Virgil Hall #17730-081
MCFP Springfield
P.O. Box 4000
Springfield, MO 65801

PURSUANT TO TITLE 5, UNITED STATES CODE, SECTION 552, 552a, I THE UNDERSIGNED, IDENTIFIED AS ABOVE, RESPECTFULLY REQUESTS THE ACCESS TO, THE DISCLOSURE OF, THE RELEASE OF, AND THE OPPORTUNITY TO CORRECT AND AMEND, THE FOLLOWING RECORDS MAINTAINED BY YOUR AGENCY:

Requesting the dates and charges while in custody starting at Nov. 3, 2010 concerning Virgil Hall and any/all paper work pertaining to Virgil Hall including out count, and custody transfers.

I AM ALSO REQUESTING A COPY OF THE APPLICATION RULES & REGULATIONS FOR YOUR AGENCY AS PROVIDED FOR BY THE FOI/PA, AS AMENDED BY PUBLIC LAW 93-502, 88 STAT. 1561

IF FOR ANY REASON, ANY OF THE ABOVE-REQUESTED RECORDS ARE DEEMED TO BE NON-DISCLOSABLE, OR NON-RELEASABLE, PLEASE SPECIFY THE REGULATORY & STATUTORY EXEMPTION RELIED UPON, AND STATE WHETHER THE ENTIRE DOCUMENT OR ONLY A PORTION THEREOF, IS DEEMED NON-DISCLOSABLE, AND FURNISH THE NAME AND TITLE OF THE PERSON MAKING THE DECISION.

REQUESTER IS AN INDIGENT INMATE AT MCFP Springfield AND REQUESTS THAT ANY SEARCH AND/OR DUPLICATION FEES BE WAIVED, OR IN THE ALTERNATIVE, THAT ACCESS BE PROVIDED BY ALLOWING REQUESTER TO VIEW AND TAKE NOTES OF THE RECORDS RATHER THAN BE PROVIDED WITH COPIES.

THE FOI/PA PROVIDES FOR A REPLY TO THIS REQUEST IN TEN (10) WORKING DAYS. REQUESTER HEREBY INVOKES THIS PROVISION FOR A RESPONSE TO THIS REQUEST WITHIN TEN (10) WORKING DAYS.

Respectfully Submitted, Virgil Hall
(Requester)

Dated this 30th day of August, 2021

PRIVACY ACT STATEMENT: In accordance with 28 CFR Section 16.41, personal data to identify the individual submitting request by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required.

FULL NAME OF REQUESTER: Virgil Hall #17730-081
CURRENT ADDRESS: MCFP Springfield, P.O. Box 4000 Springfield, MO 65801
DATE OF BIRTH: July 6, 1970
PLACE OF BIRTH: St. Louis, MO
EMPLOYEE I.D. NUMBER: N/A

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five (5) years or both, and that requesting of obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i) (3), by a fine of not more than \$5,000.

Dated this 30th day of August, 2021

Signature: Virgil Hall
N/A

District of Utah

Office of the Clerk

Brin G. Hatch United States Courthouse

351 South West Temple

Salt Lake City, Utah

84101

Official Business

Hasler

06/22/2021

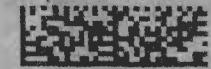
US POSTAGE

\$01.80

FIRST-CLASS MAIL

ZIP 84101

011D11628168



VSM

LEGAL MAIL

Exhibit
X-20

(b)(3),APPEAL,CJA,CLOSED,CR_ST_GEOGE,DRUG2,FPD,LODGE_DOC,MOTREF

US District Court Electronic Case Filing System**District of Utah (Central)****CRIMINAL DOCKET FOR CASE #: 2:10-cr-01109-TS All Defendants****Internal Use Only**

Case title: USA v. Hall et al

Date Filed: 12/15/2010

Other court case numbers: 16-4210 USCA-Tenth Circuit

Date Terminated: 11/09/2011

2:14cv364 TS USDC Utah

4:20-cv-00096 USDC Dist of UT

Magistrate judge case number: 2:10-mj-00325-RTB

Assigned to: Judge Ted Stewart

Appeals court case numbers: 12-10310

Supreme, 16-4049 Tenth, 18-4018 Tenth

Defendant (1)**Virgil Hall**

TERMINATED: 11/09/2011

represented by **Virgil Hall**1020 S 14TH ST APT 314
ST LOUIS, MO 63104

Email:

PRO SE

Douglas D. TerryDOUGLAS D TERRY & ASSOCIATES
132 W TABERNACLE BLDG B
ST GEORGE, UT 84770
(435)628-4411Email: ddtlaw@infowest.com

TERMINATED: 11/16/2011

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

LaMar J WinwardWINWARD LAW PLLC
132 W TABERNACLE BLDG B
ST GEORGE, UT 84770
(435)628-1191Email: lamarjwinward@gmail.com

TERMINATED: 11/14/2011

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Steven B. Killpack

STEVEN B KILLPACK ESQ

741 W 1150 S

SPRINGVILLE, UT 84663

801-656-5221

Fax: 801-852-3077

Email: killpack@rocketmail.com

TERMINATED: 07/18/2011

LEAD ATTORNEY

*Designation: Public Defender or
Community Defender Appointment*

Aric M. Cramer

CRAMER CRAMER LLC

249 E TABERNACLE STE 102

ST GEORGE, UT 84770

(435)627-1565

Email: ariccramer@gmail.com

Designation: CJA Appointment

Jay T. Winward

US ATTORNEY'S OFFICE

20 N MAIN ST STE 208

ST GEORGE, UT 84770

(435)634-4264

Email: Jay.Winward@usdoj.gov

TERMINATED: 11/14/2011

ATTORNEY TO BE NOTICED

Pending Counts

21:841 NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE/Possession
of Cocaine with Intent to Distribute;18:2
Aiding and Abetting; 21:853 Criminal
Forfeiture
(1)

Disposition

BOP: 120 months; S/R: 60 months; FINE:
Waived; SPA: \$100; FORFEITURE: 2008

Ford Explorer, VIN

1FMEU74E08UA58439 and \$12,390 in
United States currency

AMENDED JUDGMENT: Judgment
[119] amended to reflect dft was found
guilty after a plea of not guilty rather than
dft pleaded guilty

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:841/ 21USC 841(a)(1) Possession with intent to Distribute Cocaine (500 Grams or More)

Disposition

Assigned to: Judge Ted Stewart

Defendant (2)**Larry Donnell Woods**

TERMINATED: 08/17/2011

also known as

Larry Woods

TERMINATED: 08/17/2011

represented by **Jamie Z. Thomas**

US ATTORNEY'S OFFICE

111 S MAIN ST STE 1800

SALT LAKE CITY, UT 84111-2176

(801) 325-3238

Email: jamie.thomas@usdoj.gov

TERMINATED: 12/15/2014

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Keith C. Barnes

BARNES LAW OFFICES PC

415 N MAIN ST STE 303

CEDAR CITY, UT 84721

(435)586-6999

Email: keith@keithcbarnes.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

21:841 NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE/Possession
of Cocaine with Intent to Distribute;18:2
Aiding and Abetting; 21:853 Criminal
Forfeiture
(1)

Disposition

BOP: 70 months; S/R: 60 months; FINE:
No fine imposed; SPA: \$100

Highest Offense Level (Opening)

Felony

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints

21:841/ 21USC 841(a)(1) Possession with intent to Distribute Cocaine (500 Grams or More)

Disposition

Notice Party

Theresa Del Casale-Merino

TERMINATED: 03/10/2015

Plaintiff

USA

represented by **Robert A. Lund**

US ATTORNEY'S OFFICE
111 S MAIN ST STE 1800
SALT LAKE CITY, UT 84111-2176
(801) 524-5682
Email:
TERMINATED: 12/16/2014
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cy H. Castle

US ATTORNEY'S OFFICE
111 S MAIN ST STE 1800
SALT LAKE CITY, UT 84111-2176
(801)325-3214
Email: cy.castle@usdoj.gov
TERMINATED: 02/10/2012
ATTORNEY TO BE NOTICED

David F. Backman

US ATTORNEY'S OFFICE
111 S MAIN ST STE 1800
SALT LAKE CITY, UT 84111-2176
(801) 524-5682
Email: david.backman@usdoj.gov
ATTORNEY TO BE NOTICED

Paul D. Kohler

US DISTRICT COURT - UTAH
206 W TABERNACLE

ST GEORGE, UT 84770
 (435)456-7580
 Email:
ATTORNEY TO BE NOTICED

Tyler L. Murray
 US ATTORNEY'S OFFICE
 111 S MAIN ST STE 1800
 SALT LAKE CITY, UT 84111-2176
 (801)325-3284
 Email: tyler.murray2@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/07/2010	<u>1</u>	COMPLAINT as to Virgil Hall (1), Larry Woods (2). Assigned to Magistrate Judge Robert T. Braithwaite (gss) [2:10-mj-00325-RTB] (Entered: 12/08/2010)
12/15/2010	<u>4</u>	INDICTMENT as to Virgil Hall (1) count(s) 1, Larry Donnell Woods (2) count(s) 1. Assigned to Judge Ted Stewart (las) (Entered: 12/15/2010)
12/15/2010		(Court only) ***Set St. George Flag as to Virgil Hall, Larry Donnell Woods (las) (Entered: 12/15/2010)
12/17/2010	<u>7</u>	NOTICE OF ATTORNEY APPEARANCE: Keith C. Barnes appearing for Larry Donnell Woods (Barnes, Keith) (Entered: 12/17/2010)
12/17/2010	<u>8</u>	REQUEST for Discovery by Larry Donnell Woods (Barnes, Keith) (Entered: 12/17/2010)
12/20/2010	<u>10</u>	Minute Entry for proceedings held before Magistrate Judge Robert T. Braithwaite: Initial Appearance as to Virgil Hall held on 12/20/2010. Defendant present and in custody. Charging document read, rights and penalties explained.. The defendant submitted a financial affidavit. Attorney Appointment Hearing as to Virgil Hall held on 12/20/2010. Upon review of the affidavit, the Court appointed Ryan Stout as CJA counsel for the defendant. The Government is seeking detention. The Court stated a detention hearing will be heard on December 21, 2010, at 10:00 a.m. (Detention Hearing set for 12/21/2010 10:00 AM in Room 2B (St George) before Magistrate Judge Robert T. Braithwaite.) The Defendant was remanded to the custody of the USMS. Attorney for Plaintiff: Paul Kohler, Attorney for Defendant: Ryan Stout, CJA appointment. Probation Officer: Coby Leavitt. Court Reporter: Electronic. (gss) (Entered: 12/21/2010)
12/20/2010	<u>13</u>	Arrest Warrant Returned Executed on 12/20/10, filed on 12/20/10 in case as to Virgil Hall. (gss) (Entered: 12/21/2010)
12/20/2010	<u>14</u>	Arrest Warrant Returned Executed on 12/20/10, filed on 12/20/10 in case as to Larry Donnell Woods. (gss) (Entered: 12/21/2010)
12/20/2010	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge Robert T. Braithwaite: Initial Appearance as to Larry Donnell Woods held on 12/20/2010. Defendant present and in custody. Charging document read, rights and penalties explained. Arraignment as to Larry Donnell Woods (2) Count 1 held on

		12/20/2010. The defendant at this time entered a plea of NOT GUILTY. Pretrial Conference as to Larry Donnell Woods held on 12/20/2010. A pre-trial order shall be filed. The Government is not seeking detention. The Court executed an Order of Release on Conditions. Attorney for Plaintiff: Paul Kohler, Attorney for Defendant: Keith Barnes, Retained. Probation Officer: Coby Leavitt. Court Reporter: Electronic. (gss) (Entered: 12/21/2010)
12/20/2010	<u>16</u>	ORDER Setting Conditions of Release as to Larry Donnell Woods. Signed by Magistrate Judge Robert T. Braithwaite on 12/20/10. (gss) (Entered: 12/21/2010)
12/20/2010	<u>25</u>	Arrest on Indictment Warrant Returned Executed on 12/20/2010, filed on 2/8/2011 in case as to Larry Donnell Woods. (las) (Entered: 02/09/2011)
12/20/2010	<u>26</u>	Arrest on Indictment Warrant Returned Executed on 12/20/2010, filed on 2/8/2011 in case as to Virgil Hall. (las) (Entered: 02/09/2011)
12/21/2010	<u>19</u>	PRETRIAL ORDER as to Larry Donnell Woods. Interpreter needed: No. Defendants release or detention status: Released on conditions. Motions due by 2/14/2011. Plea Agreement due by 2/22/2011. Proposed Jury Instructions along with proposed voir dire questions 3/2/2011. 2 day Jury Trial set for 3/7/2011 08:30 AM in Room 2B (St George) before Judge Ted Stewart. Signed by Magistrate Judge Robert T. Braithwaite on 12/21/10. (gss) (Entered: 12/27/2010)
12/21/2010	<u>20</u>	Minute Entry for proceedings held before Magistrate Judge Robert T. Braithwaite: Detention Hearing as to Virgil Hall held on 12/21/2010. Defendant present with counsel and in custody. Mr. Kohler addressed the Court and stated reason into the record as to why the Government is seeking detention. Mr. Stout addressed the Court and stated argument to the Court for the release of the defendant. The Court after hearing argument, ordered the defendant detained. An order of detention shall be filed. The defendant is remanded to the custody of the USMS. Attorney for Plaintiff: Paul Kohler, Attorney for Defendant: Ryan Stout, CJA appointment. Probation Officer: Coby Leavitt and Cordell Wilson. Court Reporter: Electronic. (gss) (Entered: 12/27/2010)
12/21/2010	<u>21</u>	ORDER OF DETENTION PENDING TRIAL as to Virgil Hall. Signed by Magistrate Judge Robert T. Braithwaite on 12/21/10. (gss) (Entered: 12/27/2010)
12/21/2010	<u>22</u>	PRETRIAL ORDER as to Virgil Hall. Interpreter needed: No. Defendants release or detention status: In Custody. Motions due by 2/14/2011. Plea Agreement due by 2/22/2011. Proposed Jury Instructions along with proposed voir dire questions 3/2/2011. 2 day Jury Trial set for 3/7/2011 08:30 AM in Room 2B (St George) before Judge Ted Stewart. Signed by Magistrate Judge Robert T. Braithwaite on 12/21/10. (gss) (Entered: 12/27/2010)
12/22/2010	<u>17</u>	GOVERNMENTS STATEMENT OF DISCOVERY POLICY by USA as to Virgil Hall, Larry Donnell Woods and <i>INITIAL CERTIFICATE OF COMPLIANCE 00001-00211</i> (Kohler, Paul) (Entered: 12/22/2010)
12/23/2010	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Douglas D Terry appearing for Virgil Hall (Terry, Douglas) (Entered: 12/23/2010)

07/01/2011	<u>100</u>	AMENDED NOTICE OF HEARING as to Virgil Hall (Notice generated by gss) Sentencing set for 9/6/2011 11:30 AM in Room 2B (St George) before Judge Ted Stewart. **NOTE** TIME OF DAY CHANGE ONLY (gss) (Entered: 07/01/2011)
07/05/2011	<u>101</u>	CERTIFICATE OF COMPLIANCE <i>with regard to publication</i> filed by USA as to Virgil Hall. (Attachments: # <u>1</u> Proof of Publication)(Castle, Cy) (Entered: 07/05/2011)
07/06/2011	<u>102</u>	JUDGMENT OF FORFEITURE as to Virgil Hall. Signed by Judge Ted Stewart on 07/06/2011. (tls) (Entered: 07/06/2011)
07/06/2011		(Court only) ***Motions terminated as to Virgil Hall: <u>99</u> MOTION for Forfeiture of Property filed by USA. (tls) (Entered: 07/06/2011)
07/06/2011		(Court only) ***Motions terminated as to Larry Donnell Woods: <u>99</u> MOTION for Forfeiture of Property filed by USA. (tco) (Entered: 07/06/2011)
07/14/2011	<u>103</u>	Governments Position with Respect to Sentencing Factors as to Larry Donnell Woods (Kohler, Paul) (Entered: 07/14/2011)
07/15/2011	<u>104</u>	MOTION to Withdraw as Attorney <i>Co-Counsel</i> by Steven B. Killpack. filed by Virgil Hall. (Attachments: # <u>1</u> Text of Proposed Order)(Killpack, Steven) (Entered: 07/15/2011)
07/18/2011	<u>105</u>	ORDER granting <u>104</u> Motion to Withdraw as Attorney. Steven B. Killpack withdrawn from case for Virgil Hall (1). Signed by Judge Ted Stewart on 07/18/2011. (tls) (Entered: 07/18/2011)
07/18/2011	<u>106</u>	Defendants Position with Respect to Sentencing Factors as to Larry Donnell Woods (Barnes, Keith) (Entered: 07/18/2011)
08/08/2011	<u>108</u>	Minute Entry for proceedings held before Judge Ted Stewart: Sentencing held on 8/8/2011 for Larry Donnell Woods (2), Count(s) 1, BOP: 70 months; S/R: 60 months; FINE: No fine imposed; SPA: \$100. COP: 05/16/11. The Defendant sentenced to 70 months BOP, followed by 60 months supervised release. The Court granted a 2 level departure. Standard and mandatory conditions imposed. The following special conditions imposed: 1. The defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order. 2. The Defendant will submit to drug/alcohol testing under a co-payment plan as directed by the probation office. 3. The defendant shall participate in a substance abuse evaluation and treatment as recommended under a co-payment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order. 4. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition. No fine imposed. SPA of \$100 payable immediately. Appeal rights explained. The Defendant shall self-surrender on October 3, 2011, at 2:00 p.m. as designated by the BOP. Attorney for Plaintiff: Paul Kohler, Attorney for Defendant: Keith Barnes, Retained. Probation Officer: Coby Leavitt. Court

		Reporter: Russ Morgan. (gss) (Entered: 08/09/2011)
08/17/2011	<u>109</u>	JUDGMENT as to Larry Donnell Woods (2), Count(s) 1, BOP: 70 months; S/R: 60 months; FINE: No fine imposed; SPA: \$100. Defendant Termed. Signed by Judge Ted Stewart on 08/17/2011. (tls) (Entered: 08/18/2011)
08/24/2011	<u>112</u>	AMENDED NOTICE OF HEARING as to Virgil Hall (Notice generated by gss) Sentencing RE-set for 11/8/2011 09:00 AM in Room 2B (St George) before Judge Ted Stewart. (gss) (Entered: 08/24/2011)
08/24/2011	<u>113</u>	NOTICE OF HEARING ON MOTION in case as to Virgil Hall re 111 MOTION to Re-Appoint Counsel received in the form of a Letter. (Magistrate Judge Robert T. Braithwaite originally appointed counsel.) : (Notice generated by gss) Motion Hearing set for 9/12/2011 01:30 PM in Room 2B (St George) before Magistrate Judge Robert T. Braithwaite. (gss) (Entered: 08/24/2011)
09/12/2011	<u>115</u>	Minute Entry for proceedings held before Magistrate Judge Robert T. Braithwaite: Motion Hearing as to Virgil Hall held on 9/12/2011 re 111 MOTION to Re-Appoint Counsel received in the form of a Letter. (Magistrate Judge Robert T. Braithwaite originally appointed counsel.) filed by Virgil Hall. The Defendant present and in custody. The Court addressed counsel and the defendant. Upon review of the documentation filed by the defendant. The Court denied the motion. The matter is set for sentencing on November 8, 2011, at 9:00 a.m. The Defendant remanded to the custody of the USMS. Attorney for Plaintiff: Paul Kohler, Attorney for Defendant: Jay Winward/LaMar Winward, CJA appointment. Probation Officer: Coby Leavitt. Court Reporter: Electronic. (gss) (Entered: 09/13/2011)
09/15/2011		(Court only) ***Motions terminated as to Virgil Hall, Larry Donnell Woods: 114 MOTION to Re-Appoint Counsel received in the form of a Pro Se Letter. (Magistrate Judge Braithwaite originally appointed counsel.) filed by Virgil Hall, 111 MOTION to Re-Appoint Counsel received in the form of a Letter. (Magistrate Judge Robert T. Braithwaite originally appointed counsel.) filed by Virgil Hall. Motions denied per Docket No. 115. (tco) (Entered: 09/15/2011)
11/02/2011	<u>116</u>	Governments Position with Respect to Sentencing Factors as to Virgil Hall (Kohler, Paul) (Entered: 11/02/2011)
11/02/2011	<u>117</u>	Defendants Position with Respect to Sentencing Factors as to Virgil Hall (Winward, LaMar) (Entered: 11/02/2011)
11/08/2011	<u>118</u>	Minute Entry for proceedings held before Judge Ted Stewart: Sentencing held on 11/8/2011 for Virgil Hall (1), Count(s) 1, BOP: 120 months; S/R: 60 months; FINE: Waived; SPA: \$100; FORFEITURE: 2008 Ford Explorer, VIN 1FMEU74E08UA58439 and \$12,390 in United States currency. The defendant present and in custody. The defendant sentenced to 120 months BOP, followed by 60 months supervised release. The standard and mandatory conditions imposed. The following special conditions imposed: 1. The defendant shall not use or possess alcohol, nor frequent businesses where alcohol is the chief item of order. 2. The defendant will submit to drug/alcohol testing under a co-payment plan as directed by the probation office. 3. The defendant shall participate in a substance-abuse evaluation and/or treatment under a co-payment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where

		alcohol is the primary item of order. 4. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition. No fine imposed. SPA of \$100 payable immediately. Appeal rights explained. The Court ordered the Forfeiture of the 2008 Ford Explorer, VIN 1FMEU74E08UA58439 and \$12,390 in United States currency and the Order dated July 6, 2011, be made final. The Defendant remanded to the custody of the USMS. Attorney for Plaintiff: Matt Bell, Attorney for Defendant: LaMar Winward and co-counsel Jay Winward, CJA appointment. Probation Officer: Coby Leavitt. Court Reporter: Russ Morgan. (gss) (Entered: 11/08/2011)
11/09/2011	<u>119</u>	JUDGMENT as to Virgil Hall (1), Count(s) 1, BOP: 120 months; S/R: 60 months; FINE: Waived; SPA: \$100; FORFEITURE: 2008 Ford Explorer, VIN 1FMEU74E08UA58439 and \$12,390 in United States currency. Defendant Termed. Case Closed. Signed by Judge Ted Stewart on 11/09/2011. (asp) (Entered: 11/10/2011)
11/10/2011	<u>121</u>	Defendant's MOTION to Withdraw as Attorney by LaMar J Winward. filed by Virgil Hall. (Attachments: # <u>1</u> Text of Proposed Order Allowing Withdrawal of Counsel)(Winward, LaMar) (Entered: 11/10/2011)
11/10/2011	<u>122</u>	ORDER REFERRING MOTION as to Virgil Hall <u>121</u> Defendant's MOTION to Withdraw as Attorney by LaMar J Winward filed by Virgil Hall Referred to Judge Braithwaite. Motions referred to Robert T. Braithwaite. Signed by Judge Ted Stewart on 11/10/2011. (tco) (Entered: 11/10/2011)
11/14/2011	<u>123</u>	<u>NOTICE OF HEARING ON MOTION</u> in case as to Virgil Hall re <u>121</u> Defendant's MOTION to Withdraw as Attorney by LaMar J Winward. : (Notice generated by gss) Motion Hearing set for 11/14/2011 01:30 PM in Room 2B (St George) before Magistrate Judge Robert T. Braithwaite. (gss) (Entered: 11/14/2011)
11/14/2011	<u>124</u>	NOTICE OF APPEAL by Virgil Hall re <u>119</u> Judgment. Filing fee \$ 455. Appeals to the USCA Tenth Circuit. Fee Status: Not Paid (las) (Entered: 11/16/2011)
11/14/2011	<u>126</u>	Minute Entry for proceedings held before Magistrate Judge Robert T. Braithwaite: Motion Hearing as to Virgil Hall held on 11/14/2011 re <u>121</u> Defendant's MOTION to Withdraw as Attorney by LaMar J Winward. filed by Virgil Hall. The Defendant present and in custody. Mr. Jay Winward addressed the Court as to his withdrawal of counsel as requested by the defendant. The Court granted the motion and appointed Aric Cramer as CJA counsel for the defendant to assist him in his appeal. Attorney for Plaintiff: Paul Kohler, Attorney for Defendant: Jay Winward, CJA appointment. Probation Officer: Coby Leavitt. Court Reporter: Electronic. (gss) (Entered: 11/16/2011)
11/14/2011	<u>127</u>	DOCKET TEXT ORDER granting <u>121</u> Motion to Withdraw as Attorney. Jay T. Winward and LaMar J Winward withdrawn from case for defendant. as to Virgil Hall (1). Signed by Magistrate Judge Robert T. Braithwaite on 11/14/11. No attached document. (gss) (Entered: 11/16/2011)

RECEIVED CLERK

SWORN AFFIDAVIT

MAY 12 2014

In the matter of Virgil Hall case No 2:10-cr-01109-TS
 I swear and state that I am of legal age and can testify that
 the foregoing statements are true and correct to the best of my personal knowledge and belief as follows:

U.S. DISTRICT COURT
 UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

I Virgil Hall was allegedly indicted with a draft indictment that was signed by some unauthorized person. That I believe to be counsel Jay Winward. Being that I had not seen the indictment until he became my attorney. My first attorney Mr. Stout stated the government didn't need an indictment and never presented one. However the record does not reflect a grand jury of 12 or more concurred to indict nor a foreperson signing and retuning an indictment. No U S Attorney or his Asst. U S Attorney signature to approve an indictment. Due to ineffective assistance of trial counsel and appellate counsel this indictment was never challenged. Only to be told by both attorneys that my indictment is no issue at all.

Do to these ineffective of counsels the drugs that was presented in trial the prosecutor was never challenge after the record show that there was talk about a controlled delivery with the co-defendant. Being the drugs was totally different form the drugs found in the spare tire of my co-defendant's truck at the time of the arrest. The drugs that was presented in trial was two clear like plastic bags with a substance appearing to be in rock form. The record show powder cocaine was found at the time of the arrest. Which was 8 separate blocks wrapped in gray tape. Having the arresting officer Ryan Bauer stated on the stand doing cross examination by Lamar Winward [do to the Jay Winward my appointed attorney missed my first day of trial] that he officer Bauer did not sign those drugs over to the DEA. Having both trial counsel and appellate counsel go against my wishes and request for a chain of custody that I am still requesting.

Doing trial, counsel fail to present any evidence in favor of the defendant. After being ask to show the pictures of the drugs to prove the drugs was different. Counsel fail to present the surveillance tape of my co-defendant in Wal Green purchasing the material the drugs was wrapped in, fail to present or show there was no evidence in my luggage bag that had anything to do with a drug deal. But my co-defendant gray suit contain the dryer sheets, zip lock bags, rubber bands and gray tape that the drugs was wrapped in along with a pair of jeans that belong to the co-defendant with money that had the same rubber band around it like the money found in the spare tire. None of these things presented in trial after being ask to present them.

Original

Exhibit
Three

Before trial counsel fail to go over discovery with the defendant giving me only part of the discovery which should have been 206 pg. but giving me a copy with about 100 pg. then the same copies copied over with the pg. number changed to make up 206 pg. Each counsel I have had have covered up pg. 207 that's on a CD by itself that I believe to be a written statement that I'm still asking to see along with the rest of his discovery. Counsel refuse to go over the discovery after the defendant ask showing counsel I was denied access to view my CD's after repeatedly asking see request to staff. Refusing to set up an appointment is evidence that counsel did not prepare defendant nor make a defense in my behalf.

Counsel fail to investigate defendant's alibi, statements the co defendant made on the stand that he wired my wife 300\$, the time he say he met me in Detroit area after changing his story from the statement counsel showed me and me writing a letter telling counsel how to counter act. The statement made at first was he met my brother 5 years ago and they talked about making money. A few weeks later they traveled to the Detroit area and he was introduce to me. After telling and writing counsel that those was lies. My co-defendant get on the stand and state he met me in 2009 a 4 year difference from his first statement. The first statement for 5 years ago I was incarcerated from 2005 to 2007 and the second statement for 2009 I was incarcerated and released in 2009 to North Carolina neither time was I in Detroit

Counsel fail to call witnesses who was available and could have testified. Like my wife see affidavit that's attached and the investigator I asked counsel to hire who visited me with documents showing what he call "golden information" where my co-defendant was flagged by the police and refuse to stop while throwing drugs out the car window until he made it to his place of residence. Then lying to the police officers saying someone was int the car with him throwing the drugs out. Never to be violated because at this time he was on federal probation. These are strong issues that could have gotten the government key witness and only witness impeached. Along with all the statements made by the co-defendant that trial counsel fail to mention doing trial and that I ask the court to take in consideration. 1. Larry Woods stated he did not tell me there was money in the spare tire on my drive to Las Vegas 2. He park his truck somewhere and waited on a phone call saying he can pick it back up. 3. He the only one with access to his truck and spare tire. 4. He met with someone on a Churches Chicken lot in Las Vegas and they mounted the spare tire back on his truck. 5. He didn't even know there was money in the spare tire with the drugs but he did know the drugs was in there. 6. He stated this is all on me he had nothing to do with this meaning Virgil Hall 7 He stated all you have on Virgil Hall is a DUI this is on me. 8. Even the DEA is on record saying to Larry Woods all we have on Virgil Hall is a DUI unless you come up with something.

All of these facts resulted in the defendant's unlawful incarceration. Due to untimely, inaccurate, and incomplete records. Being the Judgment is without a court seal and clerk signature never to be returned to become an original. See Judgment and Commitment: a certified copy that defendant paid 12.00\$ for that deceitfully have the annexed stamped on the face of it. See indictment that don't have the court seal or clerk signature evidencing defendant's violation of 6th Amendment-right to open court and public trial. Showing that the court is without subject matter jurisdiction. Also see order from Court of Appeals confirming that this is all the clerk have on record.

All of the above shows that both trial and appellate counsel performance have fell below a reasonable standard, prejudicing the defendant from their deficient performance. Showing either both counsels trial and appellate are incompetent failing to do their Sixth Amendment duty-right to effective assistance of counsel are they plain, right out conspired with government officials to CONVICT THE DEFENDANT.

May 8, 2014
DATE

Respectfully Submitted

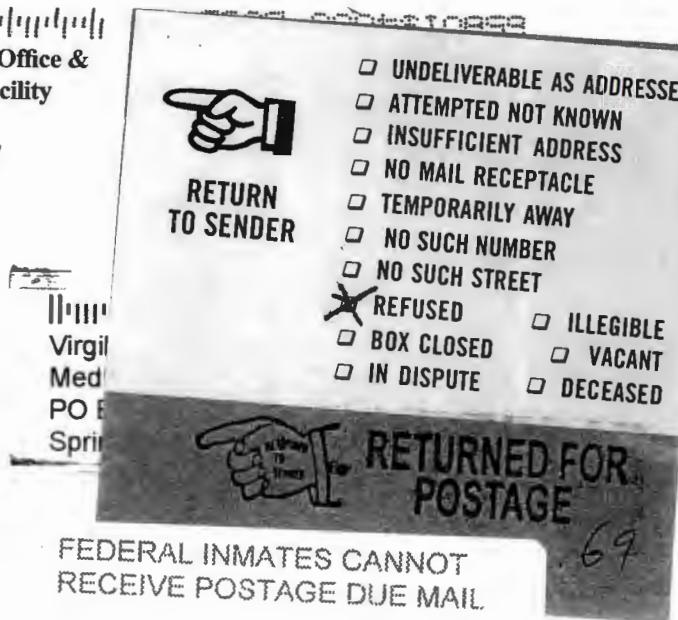
Respectfully Presented, per 28 USC 1746, 18 USC 1001.287 and
31 USC 3729 under penalty of perjury.

Vigel Hall
SIGNATURE



Washington County Sheriff's Office &
Purgatory Correctional Facility
750 South 5300 West
Hurricane, Utah 84737

AUG 16 2021



For Flat = 160
pd 91
69

Washington County
Purgatory Correctional Facility
750 South 5300 West
Hurricane, UT 84737

WB

Virgil Hall #17730-081
Medical Center For Federal Prisoners
PO Box 4000
Springfield, MO 65801-4000

65801-4000 BOSS

Exhibit
Four





Washington County Sheriff's Office

Booking Summary Report, by Date and Time

No Photo

Inmate Name: HALL, VIRGIL**Booking Number(s):** 105543**Name Number:** 364366**Booked By:** WCJL**Booking Date:** 18:13:36 12/20/10**Release Date:** 04:27:28 06/07/11

Offense Date	Statute	Offense Description	Disposition	Court	Class	Entry Code	Jud. Status
16:54:52 12/20/2010	FEDERAL	FEDERAL HOLD_WARRANT_DETAINER		USDC	FO	CRIM	HLDC

No Photo

Inmate Name: HALL, VIRGIL**Booking Number(s):** 112406**Name Number:** 364366**Booked By:** WCJL**Booking Date:** 15:12:58 09/07/11**Release Date:** 10:09:36 11/29/11

Offense Date	Statute	Offense Description	Disposition	Court	Class	Entry Code	Jud. Status
15:13:54 09/07/2011	FEDERAL	FEDERAL HOLD_WARRANT_DETAINER		USDC	FO	CRIM	HLDO

Total Inmates: 1**Total Bookings:** 2**Report Includes:**

All dates, All booking types, All release dates, All dispositions, All booking agencies, All billing agencies, All agencies booked for, All booking numbers, All name numbers matching '364366'

12/20/10
17:03Washington County Jail
Warrantless Arrest Probable Cause Statement4411
Page: 1

The undersigned, K. Lansen, of the Washington City Fire Division, under oath states that there existed probable cause for the arrest without warrant of the person named below based upon the following:

Name of person arrested: VIRGIL HALL DOB: 07/06/70
 Date of arrest: 12/20/10 Time: 16:54:52
 Place of arrest: Purgatory

The above-named person is currently being detained on the following charges:

Offense	Date/Time	Statute Code	CR	Bail Amount
FEDERAL HOLD/WARRANT/DETAINER	16:54:52	12/20/10 FEDA, et al	FC	<u>250</u>

The undersigned believes that probable cause existed for this warrantless arrest and the continued detention of the above-named person based upon the following information which was either known by the undersigned personally or was obtained by the undersigned in his/her capacity as a peace officer:

Court Commitment/Judge's Hold Narrative Report

Name of Originating Court: US District

Court Case Number(s): N/A

Offense Type(s) (Theft, Assault, etc): N/A

Arresting and/or Transporting Deputy: K. Lansen

Arrest Location: US District Court

Arrest or Custody Date and Time: Mon Dec 13 16:57:46 MST 2010

12/20/10
17:03

Washington County Jail
Warrantless Arrest Probable Cause Statement

4411

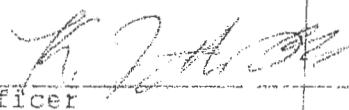
Page:

2

The undersigned requests the magistrate to whom this statement is presented to execute an order determining that probable cause existed for the above-described warrantless arrest, authorizing the continued detention of the above-named person on the stated charges, and setting appropriate bail, if any.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

12 day of December.


K. J. H. S.
Officer

State of Utah
County of Washington

06/07/11
04:31

Washington County Jail

4533

Page: 1

Release and Hold Harmless Agreement

The undersigned hereby accepts custody of VIRGIL HALL on release from the Washington County Corrections Jail. The undersigned further accepts responsibility for VIRGIL HALL and agrees to hold Washington County Corrections, its agents, employees harmless from any liability resulting from this release.

Dated this 7th day of June 2011 at 4:31 at the Washington County Corrections.

Person accepting custody

Printed Name

Address

ID USMS, ID# 3367

Relationship

Lee Johnson
Corrections Officer

09/07/11
16:13Washington County Jail
Warrantless Arrest Probable Cause Statement

Page: 1

4891

The undersigned, C.ALDRED, of the Washington County Corrections, under oath states that there existed probable cause for the arrest without warrant of the person named below based upon the following:

Name of person arrested: VIRGIL HALL
 Date of arrest: 09/07/11 Time: 15:13:54
 Place of arrest: Purgatroy

DOB: 07/06/70

The above-named person is currently being detained on the following charges:

Offense	Date/Time	Statute Code	CC	Bail Amt
FEDERAL HOLD/WARRANT/DETAINER	15:13:54 09/07/11	FEDERAL	FO	

The undersigned believes that probable cause existed for this warrantless arrest and the continued detention of the above-named person based upon the following information which was either known by the undersigned personally or was obtained by the undersigned in his/her capacity as a peace officer:

Federal Detainer.

The undersigned requests the magistrate to whom this statement is presented to execute an order determining that probable cause existed for the above-described warrantless arrest, authorizing the continued detention of the above-named person on the stated charges, and setting appropriate bail, if any.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

7th day of SEPTEMBER, 2011.

C.ALDRED
Officer

State of Utah
County of Washington

11/29/11
10:10

Washington County Jail

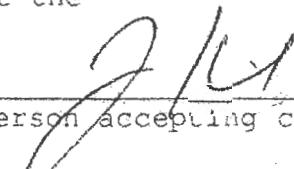
4131

Page: 1

Release and Hold Harmless Agreement

The undersigned hereby accepts custody of VIRGIL HALL on release from the Washington County Corrections Jail. The undersigned further accepts responsibility for VIRGIL HALL and agrees to hold Washington County Corrections, its agents, employees harmless from any liability resulting from this release.

Dated this 29th day of November 2011 at 10:10 at the Washington County Corrections.


Person accepting custody

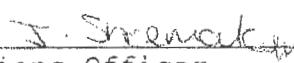
Printed Name

WCSO

Address

ID _____; ID# _____

Relationship _____


T. Shewak
Corrections Officer
Ferrari

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)
VIRGIL HALL,)
)
Plaintiff,)
)
v.) Civil Action No. 14-1082 (RBW)
) ECF
FEDERAL BUREAU OF PRISONS,)
U.S. MARSHALS SERVICE, and)
OFFICE OF THE)
ATTORNEY GENERAL,)
)
Defendants.)
)

DECLARATION OF PAUL KOHLER

I, Paul Kohler, declare as follows:

1. I am an Assistant U.S. Attorney in the Criminal Division of the United States Attorney's Office for the District of Utah.
2. My responsibilities largely consist of prosecuting criminal matters, but occasionally I assess the existence and availability of records related to requests that are made pursuant to the Freedom of Information Act ("FOIA"), if it regards a case upon which I worked.
3. The statements I make in this declaration are made on the basis of my review of the official files and records of the U.S. Attorney's Office in Utah, my personal knowledge, or on the basis of knowledge acquired by me through the performance of my official duties.
4. I am familiar with the procedures followed by the United States Attorney's Office for conducting searches for records responsive to FOIA requests. Also, I am familiar with the FOIA request submitted by Plaintiff Virgil Hall. Mr. Hall requested a copy of the original Indictment, which included the grand jury foreperson's signature. I interpreted Mr. Hall's request as seeking

Exhibit
Five

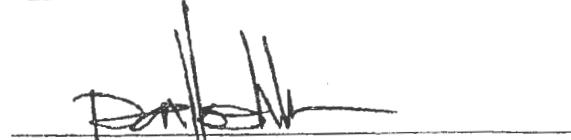
the original Indictment in part because he had already filed a habeas corpus petition, pursuant to 28 U.S.C. § 2255 petition (hereinafter “2255 petition”) in which he complained that the court lacked jurisdiction because the Indictment (in the public record and provided in discovery) did not have the foreperson’s signature and the AUSA’s signature was illegible.

5. I was provided the FOIA request by the U.S. Attorney’s Office FOIA point of contact, Valerie Maxwell who works at the U.S. Attorney’s Office in Utah. I reviewed it, consulted with a supervisor, and believed at that time that the original Indictment was stored only with the United States District Court (not the United States Attorney’s Office). Accordingly, I informed Ms. Maxwell that we did not have the record in our District, which resulted in our office issuing a “no records” response to the Executive Office of United States Attorneys Freedom of Information Act/Privacy Act Staff (“EOUSA FOIA/PA Staff”).

6. On May, 12, 2014, Mr. Hall filed a 2255 petition, in Civil Action No. 14-cv-364, in the U.S. District Court in the District of Utah, and in which he argues, inter alia, that his conviction should be vacated because he was not properly charged pursuant to the indictment. In his motion, Mr. Hall asserts that no proper indictment exists. Or, in other words, that he wants to see the original Indictment, which would include the identity of the Grand Jury foreperson who signed the indictment – information that is the subject of his FOIA request. A short time later, when doing more research related to Mr. Hall’s Section 2255 motion, I learned that a copy of the original Indictment that was signed by the foreperson was found within our District’s office. Believing that the foreperson’s identity is protected, I provided an “in camera” copy to the U.S. District Court in the District of Utah as part of my 2255 response.

7. Also, I informed EOUSA of the document's existence and the fact that I issued a "no records" response. In an effort for EOUSA to provide Mr. Hall with an accurate response to this FOIA request, I provided EOUSA with a copy of the indictment; however, I still seek to protect the foreperson's signature for security reasons.

I declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief. Executed this 27 day of October, 2014.


PAUL KOHLER
Assistant United States Attorney
District of Utah

CARLIE CHRISTENSEN, United States Attorney (#633)
 PAUL KOHLER, Assistant United States Attorney (#8224)
 Attorneys for the United States of America
 20 North Main Street, #208
 St. George, Utah 84770
 Telephone: #(435) 673-0569

U.S. DISTRICT COURT
 COURT, DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT

DEC 1 2010

DISTRICT OF UTAH, CENTRAL DIVISION

D. MARK JONES, CLERK

RECEIVED

UNITED STATES OF AMERICA,	:	INDICTMENT
Plaintiff,	:	VIOLATION:
vs.	:	21 U.S.C. § 841(a)(1)
	:	POSSESSION OF COCAINE WITH
	:	INTENT TO DISTRIBUTE
VIRGIL HALL and	:	
LARRY DONNELL WOODS,	:	
Defendants.	:	Case: 2:10-cr-01109
	:	Assigned To : Stewart, Ted
	:	Assign. Date : 12/15/2010
	:	Description: USA v.

The Grand Jury charges:

COUNT I

On or about November 3rd, 2010, in the Central Division of the District of Utah,

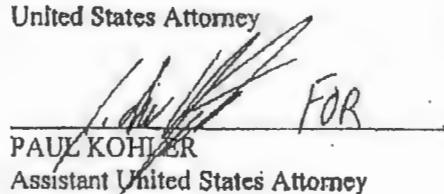
VIRGIL HALL and LARRY DONNELL WOODS,

defendants herein, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance within the meaning of 21 U.S.C. § 812, and each did aid and abet the other, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable under 21 U.S.C. § 841(b)(1)(B).

NOTICE OF INTENT TO SEEK FORFEITURE

As a result of committing the felony offense alleged in Count I of this Indictment, the above-named defendants shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds defendants obtained directly or indirectly as a result of the offense and any and all property, real and personal, used or intended to be used in any manner or part to commit and to facilitate the commission of the violation of 21 U.S.C. § 841 alleged in this Indictment, and any property traceable thereto--including but not limited to the following: A 2008 Ford Explorer (#1FMEU74E08UA58439); and \$12,390.00 cash.

CARLIE CHRISTENSEN
United States Attorney


PAUL KOHLER
Assistant United States Attorney